UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,423	02/15/2002	Boris Andreyevich Krasnoiarov	2501494-991102	3748

30349	7590	07/17/2006

JACKSON & CO., LLP
6114 LA SALLE AVENUE
SUITE 507
OAKLAND, CA 94611-2802

EXAMINER
SAIN, GAUTAM

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/077,423	KRASNOIAROV ET AL.
	Examiner	Art Unit	
	Gautam Sain	2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>29 June 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

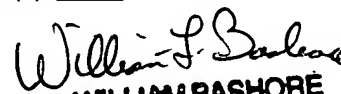   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.
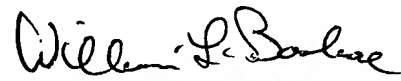
<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

WILLIAM BASHORE
PRIMARY EXAMINER

U.S. Patent and Trademark Office
PTOL-303 (Rev. 7-05)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20060709

Continuation of 11. does NOT place the application in condition for allowance because: Regarding independent claim 1, Applicant argues that Nazem does not teach "after receiving the single request, generating a plurality of informaiton requests for the content as parallel worker threads spawned from a main execution thread". The Examiner disagrees with Applicant's characterization of Nazem, that Nazem assembles a page entirely at the page server from data that has been previously retrieved and stored at the shared memory (see Remarks, page 3). The Examiner asserts that Nazem does not teach a page as "entirely" assembled by a page server from previously retrieved and stored data. Specifically, Nazem teaches that a custom page can be build in respone to a user request, and only where the user template is cached, the page can be generated within the page server (col 3, line 65 - col 4, line 2) and the page server obtains live data from many disparate sources and reformats the data into a form suitable for user by the page server (col 3, lines 20-25). For examle, for users that choose to access their front page hourly, and the pagees are customized and dynamic, the user would see different information each time (from live data), but the user might see the same template for the page. (col 4, lines 45-50). Nazem, teaches retaining the template in a cache and served again, but it does teach that the data used to fill in the template (ie., stocks, weather) is live, where the template is independent of the live data (col 5, lines 12-24). Additionally, based on examiner's further consideration, Lowery does teach/suggest this limitation as well. For example, Lowery, in Fig 5, shows a web browser making a request (item 500, 502) and thereafter, the dispatcher sending request to appropriate page server (item 512). The Examiner does not find anything in the cited art that teaches away from making requests from serves AFTER receiving a request (from user). Nazem only provides an alternate situation where in addition to live data requests, the system can maintain data where the live data has not changes and it would be easier for bandwidth to serve the cached template, however the data is still live and retrieved only upon the user's request.

Regardign dependent claim 3, Applicant argues that the reference, Greenwood, does not teach transmission of a personalized web page without waiting for a response from one of the component servers after a timeout period (see Remarks, page 6, middle). The Examiner disagrees. Greenwood teach allowing variable time to pass before generating a new request. If a set time period is set and it passes and the maximum number of new requests have been been processed, the user is notified of a failure and the task is killed. Nazem teaches the handling of error situations by serving a page to the user, where the templat is cached, so the user is presented with the some data and not an error page. Both Nazem and Greenwood are dealing with addressing user's request for data (as live as possible data).

WILLIAM BASHORE
PRIMARY EXAMINER

2